

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

This matter is before the Court on Plaintiff's Motion to Retax (#102), filed December 28, 2010.

Plaintiff requests that this Court review and reverse the Clerk of the Court's prior denial (#101) of Plaintiff's bill of costs. (#102).

On October 6, 2010, the Ninth Circuit Court of Appeals issued an order in *Jones v. Neven* (9<sup>th</sup> Cir Case No. 08-17677), which vacated in part and affirmed in part this Court’s dismissal of Plaintiff’s Amended Complaint. (#90). Plaintiff subsequently filed a bill of costs incurred during his appeal on October 25, 2010 with the Ninth Circuit. (9<sup>th</sup> Cir Case No. 08-17677, Dkt. #44). The Ninth Circuit denied Plaintiff’s bill of costs as untimely, stating that a bill of costs must be received within fourteen (14) days from the date of entry of judgment under Ninth Circuit Rule 39-1.4. *See also Mollura v. Miller*, 621 F.2d 334 (9<sup>th</sup> Cir. 1980).

Plaintiff responded by filing his bill of costs with this Court, requesting that this Court award him costs incurred during his appeal. (#94). The Clerk of the Court denied Plaintiff's bill of costs, noting that this Court did not have jurisdiction to award costs associated with litigation before the Ninth Circuit Court of Appeals. (#101). Upon review and consideration, Plaintiff's motion to retax will similarly be denied due to lack of jurisdiction. The District Court does not have jurisdiction to award costs incurred during a party's appeal to the Ninth Circuit. Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion to Retax (#102) is denied.

DATED this 18th day of January, 2011.

*George Foley Jr.*  
GEORGE FOLEY, JR.

**GEORGE FOLEY, JR.**  
United States Magistrate Judge